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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,017	10/01/2003	Cherng Chang		9531

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03/10/2006

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EXAMINER

HOGE, GARY CHAPMAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/677,017	Applicant(s) CHANG, CHERNG	
	Examiner Gary C. Hoge	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 69-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 69, 73-83, 87 and 88 is/are rejected.
- 7) ☒ Claim(s) 70-72 and 84-86 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 81 is objected to because of the following informalities: on line 1, it appears that “sais” should be “said”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 69, 73, 83, 87 and 88 are rejected under 35 U.S.C. 102(b) as being anticipated by Goodwin (3,670,370).

Goodwin discloses a device for holding one or more sheets comprising a holder base **38**, a rotatable member **54** rotatable with respect to the holder base between a first zone (Fig. 5) and a second zone (Fig. 4) adjacent to the first zone, and a compression spring **72**, the rotatable member **54** being rotatable, by applying an external force, between the first zone whereby the compression spring imparts a torque to the rotatable member for detachably holding the one or more sheets in the device (Fig. 1), and the second zone (Figs. 3 and 4) in which the rotatable member is detached from the one or more sheets and will remain in the second zone once the applied external force is removed. The recitation that the spring is “for executing a cam action” is merely a statement of intended use and does not define over the prior art.

Regarding claim 88, board **16** constitutes a “picture frame” as broadly recited.

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1. Claims 79-82 are rejected under 35 U.S.C. 102(b) as being anticipated by Sutton (2,996,774).

Sutton discloses a device **10** for holding one or more sheets comprising a first holder component **18**; a second holder component having a base **6**; and a spring **26** for driving a rotative motion of the first holder component **18** relative to the holder base **6** and for exerting a force needed for holding one or more sheets in the device **10**. Sutton discloses a pin **16**, the first holder component **18** has a first sleeve **22** partially wrapping the pin **16**, and the holder base has a second sleeve **14** partially wrapping the pin **16**.

Regarding claims 80 and 81, see Fig. 1. The gap between the two sleeves **22** constitutes a cut-out, the pin **16** constitutes a plunger for retaining the spring **26**, and the plunger engages with the cut-out for driving the rotative motion of the first holder component. The outer surface of the pin constitutes a “ramp surface”, as broadly recited. The recitation that the ramp surface is “for executing said cam action” is a statement of intended use and does not define over the prior art.

Regarding claim 82, the recitation that the device is a “picture frame” is merely a statement of intended use. It does not define structurally over the prior art. Board **10** can be considered a “picture frame body” to which the holder base **6** is fastened.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 74-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodwin (3,670,370) in view of Erschell (387,779).

Goodwin discloses the invention substantially as claimed, as set forth above. However, the device is mounted to a clipboard, rather than a picture frame. Erschell teaches that it was known in the art to attach a clamping mechanism to a picture frame. It would have been obvious to one having ordinary skill in the art at the time the invention was made to attach the clamping device disclosed by Goodwin to a picture frame, as taught by Erschell, in order to releasably clamp a picture or pictures in the frame.

6. Claims 77 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodwin (3,670,370) in view of Haas et al. (4,605,246).

Goodwin discloses the invention substantially as claimed, as set forth above. However, Goodwin only discloses two holders, not four. Haas teaches that it was known in the art to provide a device having at least four holders. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device disclosed by Goodwin with at least four holders, as taught by Haas, in order to hold multiple articles.

Allowable Subject Matter

7. Claims 70-72 and 84-86 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

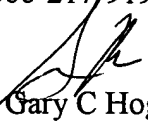
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Hoge whose telephone number is (571) 272-6645. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary C Hoge
Primary Examiner
Art Unit 3611

gch